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*An Examination of Severall Votes of the Lords
and Commons Assembled in Parliament, concerning such as take up
Armes against the Parl: of England, or assist in such War. Where-
in is declared, that all such persons are Traitors by the fundamentall
Lawes of this Kingdome, and ought to suffer accordingly, which
the 20 of June 1648. are Ordered by the Commons Assembled in
Parliament, to be Printed and Published by the Sheriffs in every
Market Town.*



Mong the many irregularities of the Houses this Parliament, they have taken up an use of printing their Votes, which though of no legall efficacie, yet were the conduits to convey their seditious plots to the people, and prepare them by Traiterous ifusions to assist their attempts: the force of them depending on the reputation of the contrivers: and its somewhat likely that the present Houses find some diminution of their Authority among the people, and rely on that of their first leaders; and therefore they now the 20 of June 1648. make use of Votes made the 20 of March 1642.

It must be acknowledged that the 20 of March 1642. the People of England had a great opinion of the Honour, Wisdome, and Integrity of the two Houses of Parliament, upon whose words (rather then their own sence) they did believe that there were things amisse in Government, and that from them must come the remedy: but they long since found how far their actions and deeds differed from their pretences; and now the 20 of June 1648. its evident to all of the meanest understanding, that the burdens of the people are multiplied, & that the moderate Levies of Monies complained of by the two Houses, to be done by the King, in prejudice of their Liberty, are turned into intollerable exactions; these Houses seeking not to ease any grievances, but to gaine power to lay them; and they tell the people by their Actions, that their little finger must be heavier then the Kings Loynes.

The people now see, that the reverence and zeal they bare to these Houses, was to a false & imaginary deity; and the service they performed to them, abominable to God, and odious to all Good men, making their sons and daughters passe through the fire, the Subjects of England to endure all kinde of misery to please this Idoll: They now see, that there is no Injustice and Oppression equall to that of their two Houses of Parliament; their Government Arbitrary, and their proceedings Tyranny, their pretences Hypocrysie, their cruelties and mercilesse dealings with the King and fellow-Subjects, shewing them rather inhumane Canibals then Christians; and their multiplyed falsehoods and perjuries exceeding the most professed deceivers: but it is like they think that the Votes that deceived once, are still of force upon the people, and therefore its necessary to discover what truth their Votes contain, that are thus relyed on after the many proofs of the uningenuity of those that contrived them.

1. We observe in the Title, that the Votes have the stile of *the Lords & Com-*

mons Assembled in Parliament, concerning such as take up Armes against the Parliament of England, or assist in such War, wherein is declared, that all such Persons are Traitors by the fundamentall Lawes of this Kingdome, and ought to suffer accordingly.

If the Lords and Commons Assembled in Parliament, were the Parliament of England, the stile need not have been varied, but either the Votes might be called the Votes of Parliament, or the War they mention against the Parliament, might have been called a War against the Lords and Commons; but themselves well know that the two Houses are not the Parliament, and then to what end are these Votes, for they Vote not that War against the two Houses are Treason, and War by the King against himself they intend not.

But the two Houses being (vulgarly called the Parliament) to abuse the people, have industriously laboured to implant a belief in them, that the two Houses without the King, are the Parliament, and that there is a Majesty in it, and Treason may be committed against it; and whatever efficacy the Acts of the King in Parliament have, they arrogate to their own Acts without the King, and would have all power (annexed to His Person in Parliament, & elsewhere) to belong to themselves, without, nay, against Him, because He exerciseth His Supreme power in Parliament: Thus these vipers devour their Parent; and being called by the King to be His Countell, (which Title they assume in their Declarations) and by the duty of their place to Countell Him only, they most Traiterously take Countell against Him, and Countell His people to Rebel against Him, which is the summe of these Votes; a Treason unparalleled in former Ages, and contrary to their former professions and practice; for in all Commissions of this Parliament, (desired by themselves for the passing of Laws) its expressly affirmed, that no Act or Ordinance of both Houses, can binde, or be in force without the Kings consent; and consequently can be no Act of Parliament, nor can the two Houses in judgement of Law be the Parliament.

In their Barbarous proceedings against persons that have borne Armes against them, they have stiled their offence a Levying of War against the King; and the attempt of Captaine *Burley* to deliver the King out of Prison, is made by them a Levying War against the King, well knowing there is no War else Treason by Law. And we ask of them, whether the attempt of Sir *Thomas Fairfax* in removing their Speaker *Pelham*, and other Members, and placing *Lenthall*, and others, were not a War against the Parliament? it must needs be by their grounds, or nothing is; for they made Orders to revoke what passed in *Pelham's* time, which needed not, if it were not a Parliament in their sense; and then it must follow, that his Excellency is a Traitor by their own rule, and themselves that assisted him.

There is no levying War, Treason, but such as is made against the King, though it be Acted upon His Subjects in Parliament, or in any other capacity; and that which makes a War Treason, and against the King, is the want of his Command. Mr. *John* declared in his Speech against the Earl of *Strafford*, that levying of War upon the Kings Subjects is Treason, for its War against Him,

Him, and are not they all then Traitors which made this War upon the Kings Subjects, not only upon such as assisted the King, but Neutres? All War that is made upon his dominions, by His Subjects without His Command, is Treason; but its a madnesse therefore to say that a War by His Command is Treason, for then if He be overcome by Rebels, such as assisted Him mult be Traitors, for Levying War upon the Kings Subjects: A senselesse assertion, and would make good that scoffe at Law, that Victory only makes Traitors; an axiome never owned by Law nor Religion, but drawne from the leud practice of Rebels; the making of War being the Kings peculiar prerogative, and is matter of Supream power, not Jurisdiction, and belongs not to any Court or Counsell, and the two Houses can claime no more then belongs to a Court or Counsell.

The House of Commons have Ordered the printing of these Votes and tis like they expect Obedience, as if it were an Act of Parliament, though without the King and Lords; Never did one or both Houses of Parliament presume to print before this, and we may as well believe they had this Priviledge by the fundamentall Lawes, (which was never known before these seven yeares last past) as that the Lords and Commons are the whole Parliament; or that a War made by the King can be Treason. But come now to the Votes.

The first Vote, that it appears, that the King (seduced by wicked Councell) intends to make War against the Parliament, who in all their consultations and actions have proposed no other end unto themselves, but the care of Kingdomes, and the performance of all duty and loyalty to His Person.

It seemes these men had taken such pleasure in their power of judging, that they fell to judiciall Astrologie, and would tell fortunes, for they adventure to tell the intentions of their King, though Solomon saith, the Kings heart is unsearchable; doubtlesse in point of Duty, Subjects ought not to pry into it; and we may surely conclude, that as they may be deceived in their conjectures of His intentions, so they have certainly broken their Loyalty by making such a Vote, and run into certaine Rebellion upon certaine suspitions; but their case is worse, for they had resolved (before this pretence) on their violence against the King, and had in a great part Acted it, raising Tumults against Him, Threatning Him with popular furies, unlesse He consented to mischievous Lawes of their contriving; They had Levied an Army for the guarding of Persons against an Accusation of Treason; they had caused diverse Members of both Houses of Parliament to be assaulted & menaced, whereby they were enforced to leave the Houses, they had seized the Navy, disposed the Militia, fortified Townes: and now to blear the eyes of the poor multitude, tell them the King intends to make War upon the Parliament; never King had greater cause to right himselfe, nor ever people lesse cause to make war on him: They would perswade the people, that if their war be defensive against their King, its lawfull, and if that they say its so, its then out of question.

If selfe defence be lawfull in Subjects against Supream power, then they are

are not bound to assist their King against Malefactors or Rebels; unless they first know the cause, whereby all Government is at an end, and obedience must follow private perswasion, not publique Authority; and the King doth in vaine proclaime an enemy abroad, or Rebels at home, and then he cannot hope long to weare a Crowne; and if Subjects adhere to an enemy, the King may not make War upon them, but first fend for a Judge to Indite them, and a Malefactor may as well use force against the sentence of the Judge, upon pretence of Injustice; as Subjects against their King, upon pretence of want of just cause of making of War, it being as essentiall to Supream power (which these men sweare to be in the King) as civill decisions to any Judicatory; and if it were not (as most certainly it is) the foundation of all Government, yet by Law, and practice most undeniably, in the King of *England*; we cannot hope to find modesty, where we see disloyalty and Rebellion, and in these mens reiterated Remonstrances,* they take it for a ground in Law, that the King cannot doe evil, and if the Law will not suppose he can doe evil, can there be any Law to make Warre upon Him upon pretence of doing evil? and if by the policy, and constitution of any Kindgome the Supream Governor be exempt from punishment by Law, as of necessity He must, it is a most absurd opinion, that He should be subject to private violence; and if the Members of Parliament be corrupt, and entertaine negotiations with foraign Princes, their Kings enemies, and adhere to them, as is more then possible, and the King declare a Warre against such persons, may they take Armes against Him to defend themselves? then all Rebellions will be selfe defences, and none that have force will submit to Law, and so it must follow; that if any commit Treason, the force that the King useth for His owne preservation, or their punishment, shall be called War against the Parliament, or War against the Subject; but when ordinary wayes of Justice are shut up by force, the King hath recourse to His Regall power; and if His Counsell in such a case should not advise Him to make War upon such persons, it might well be judged of them, that they were an unfaithfull and wicked Counsell, and though the King had taken no resolution of War, notwithstanding the great violence offered Him, as He made appeare by many witnesses, & reasons, yet these men reproch Him to his face, with these Trayterous Votes, and adde, that (the King seduced by wicked Counsellors) so odious an expression in the mouths and pens of Subjects, as cannot consist with duty and Loyalty, and their professions of their care of the Kingdome, and performance of allduty, and Loyalty to His Majesties Person, so contradictory to these Votes can get no believe, but were devised to give colour only to their courses, being no part of their purposes; and these Houses consisting of a great number, who for age, education, or parts, being no way qualified to judge of Counsels, and being seduced by wicked counsels to reproach their King, and seeke His ruine, are no more to be trusted for their care of the Kingdome, (which they have brought to shame, impotency, and beggery,) then for performance of their duty to their King, whom they have abused with all imaginable contumelies, deposed from Government, shut up in Prison, and out of horror of their guilt

guilt and fear of punishment, have plotted how they may take away his life by poyson, or assassination; and these shamelesse wretches would have it believed, that making War upon Him, attempts to kill and depose Him, imprisoning of Him, and offering of violence to His Person, are no Treason; but that endeavouring to defend Him, free Him from Imprisonment, preserve His life are Treason; Prodigious impudence, and they might as well Vote He were no King, and that *England* never had a King by Law.

That whensoever the King maketh War upon the Parliament, it is a breach of the trust reposed in Him upon His people, contrary to His Oath, and tending to the dissolution of this Government.

Its apparent that the King may justly make War upon all or any Members of Parliament for Disloyall and Traiterous Acts, when ordinary justice is shut up, and that it is neither breach of trust reposed in Him by His people, contrary to His Oath, nor tending to the dissolution of this Government; and if the King charge either any, or all of them with such offences, they must not stand upon their Guard, but submit to legall Triall. Its a known truth they ought to be Tryed by the ordinary Courts of Law, and their owne Votes to the contrary, have neither weight nor credit, being against all Law, which alloweth not a Malefactor to be his own judge, or to testifie in his own cause. Its one of the usuall frauds of these men to weaken the opinion and duty of the people of, and towards their King, to tax Him with a breach of Trust reposed by the People in the King; If they should expresse the time when this Trust was reposed, their answer is that it must be supposed so, when the Monarchy was first constituted; and they speak as if all hereditary Monarchies were no other then elective, and every of them came in upon trust. A perfidious piece of Sophistry; No doubt all Kings have a duty to performe, and all Subjects hope and pray for their Kings performance of it, but the constitution of hereditary Monarchies includes no trust, but in the frame and constitution of that forme of Government, and they in the beginning could not but foresee that there might come evill Kings, yet they resolved not to break the order, but depended rather on Gods providence then open a way to faction and domestick broyles, which they esteemed worse then the accidentall evill of a single Prince, and which states of another constitution often finde by sad experience; and their imaginary trust hath no more ground then the prosecution of Traytors by the King hath to be a breach of it, or a War against the Parliament: There are duties of parents to children, but they are not trusts; and in hereditary Monarchies, the King is *Rex natus, non datus*, and the people cannot upon pretence of any crime precedent, refuse their admission of Him, much lesse can they withdraw their obedience for any crime subsequent; and as the Kings making War against all or any Members of Parliament, is no War against the Parliament; so were it applicable to such a sence, it were not contrary to any title of His Oath, when he hath such cause as was formerly exprest.

For the dissolution of Government. Warre by Princes against Rebels is necessary to preserve it, but Rebellion against the King dissolves all Government,

for thereby the KING is made a Subject; all His Power despised, His Subjects Governed by another Power, the submission whereunto is of no lesse guilt, then to any forraign Power, for it's as destructive to that of the KING's; and we now see apparently, all Law, Liberty, and Property is lost, and all is arbitrary at the will of Power, and no man by Law or Conscience bound to submit to any Magistrate, whose power is derived from the KING; and it is an odious usurpation to use a pretended derived Power, when they suppress the supreme; and the exercise of the Sovereigne power by the two Houses, making Commissions in the KING's Name, is all one, as if it were their owne; and if it be Murder to judge to death by Commissions in their Names, is it lesse when they make a Commission in the KING's? They cannot pretend to have any such Power derived to them, nor can the Kingly power be possibly in the two Houses, for they may differ in Vote, which is a condition the Kingdome cannot endure, nor any Law or Reason allow; and if these men had any thought of that misery that comes by *dissolution of Government*, they would not have cut assunder all the ligaments of it, striving to get the *King's consent* to establish such a confusion in this poor Kingdome, as may never be set in order in any Generations to come; seeking to distract the Subjects, and pretend that obedience to them, is loyalty to their KING, though it be against Him, and to make Warre for the KING, equally penall to warre against Him; Such as make these Votes, and such as practice such a Power, are guilty of the *breach of Trust* reposed in them by their Countries and Townes that sent them, of the Oath of Allegiance and Supremacy taken at their entrance into the House, of all the blood and miseries that have ensued from that damnable position and practice.

3. *That whosoever shall serve or assist Him in such Warre, are Traytors by the fundamentall Lawes of the Kingdome, and have been so adjudged by two Acts of Parliaments, and ought to suffer as Traytors, 11 Ric. 2. 1 Hen. 4.*

And why doe they not expresse against whom it is Treason to assist the KING? they know *there is no Treason but against the King*, and if they had told all, it must cut the throat of their Votes; That Warre by the KING is Treason against the KING, which is legible onely by these bloody Votes, for if the KING have power to make Warre, He may judge of the cause of it; and if He erre in the justice of the cause, such as assist Him cannot be punished for doing their duty, which is to assist Him in any War within the Kingdome, 11 Hen. 7. But these men should have done well to have told what, or where these fundamentall Lawes were; that men might see them, and not be mistaken. If the Statute of the 25 Edw. 3. be a fundamentall Law, this is no Treason within that Statute. And if 1 Mar. be a fundamentall Law, nothing is Treason but what is mentioned in that Statute of 25 Edw. 3. so as if there had been such judgment, as they pretend, the force is wholly taken away. We may not imagine that many of these that made these Votes understood the difference of fundamentall and not fundamentall Lawes, nor that any of them knew such fundamentall Lawes as they herein suppose, but it was the perfidious contrivance of some of the Leaders of this rout, to invent words of an unknown

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known sense, that they might stile any actions, crimes against imaginary Laws, that were done by any Persons that they had a mind to destroy, and have thereby made the Land guilty of blood, judging by Laws they know not, and crimes they understand not.

Martin, Lilburne, and others, will have fundamentall Law right reason, and no reason right but their owne; and its most probable, the first Inventers of this terme now in Parliament, had that reserve to their owne reason, for none of the Judges (or men learned) could ever yet find what they meant by *fundamentall Laws*.

But they say, it hath been so judged by two Acts of Parliament, the first is, 11 of *Rich. 2.*

It hath hapned to Parliaments in *England*, as is incident to all Assemblies, to have some, whose actions are not for imitation: There are Records of disorderly and trayterous Assemblies in Parliament, and of wicked Deerees made by them; and no honest man will think the Judgments or Acts of Parliament in the time of *Hen. 3.* touching His Wives and Children, and the many sad Executions of Innocent persons, are of Authority; and these men have declared in this Parliament, That they hold the Parliament that Deposed this *Rich. 2.* or any other King, were no lawfull Parliaments, which must be intended in regard they were unlawfully called, or their trayterous Acts; and this Parliament of 11 *Rich. 2.* was assembled by a trayterous and prevailing Faction in Warre, as that was, and its Authority was onely Force; and its Acts disloyall and extorted, and were the ground-work of the distractions of that KING's Reigne, and of His trayterous Deposition and execrable Murder; and these Voters chuse to tread in their steps, and no man may doubt if they be not prevented, will arrive to the same end; and yet so desperate is their case, that it cannot be maintained from this odious example: These men having exceeded the worst of Traytors, and though they pretend they have not yet killed their KING, it wanted not their will, as appears by the manner of their proceedings against *ROLFE*, upon the discovery of the practice against His Life.

That unhappy Prince, *Rich. the 2.* came young to His Crowne, and was check'd and over-awed by the power of His Uncles, and other great Princes of His blood, and imbroyled with the factions of a potent Nobility, who made the then assemblies of Parliament to act all their ambitious projects, & forced the KING to entrust powers to some of them, who thereby became Masters of Him, and raised Forces against Him, and prevailed over Him; killed and destroyed divers of the KING's most faithfull Subjects, enforced Him to call this Parliament of 11. and proceeded tumultuously and rebelliously in it, and threatened to Depose the KING, unless he consented to make an Act to at- teint and punish divers men that they accused of a Conspiracy to destroy the KING (a known untruth,) but there is no mention that they were accused for assisting the KING, making a Warre against the Parliament, there being no such case; for it were a madnesse to think the KING would make a Warre upon the Parliament (understood the Houses) that He could Dissolve them
with

with His breath; nor any mention of fundamentall Lawes whereby such case was Treason, so lewdly false are these Men in their Quotations: and in the same Parliament they got likewise a generall Pardon from the KING for their proceedings upon this reason, *That it was done for the Weale of the Kingdome*, (that is in their opinions:) let any honest or knowing man that reads those Records judge where the Treason lies, either in these that were thus pardoned, or in others that were illegally destroyed: And when *Henry the 4.* being one of the chiefe Conspirators against Him, and Deposing Him, confirms in his Parliament after he had Imprisoned his lawfull KING, the acts of that lawlesse Parliament, no man can think it other, then a meanes to assure his wicked Usurpation and former Treason, and of no more authority, but of no use at all in the present question.

And if we had no clearer demonstrations of those mens corruptions, the use they make of this odious example might sufficiently instruct all men of their intentions; and the sad story of the successe of that detestable usurpation may warne us to prevent the progresse of these men; for from that yeare of the 11 of *Richard the second*, the Kingdome had no rest for almost an hundred yeares, constant faction among the Nobility; bloody executions of such persons as the jealousie of the Usurper made him feare of; continuall Tumults and civill broyles at home, or warre abroad, and which ended not but in the finall extirpation of the numerous Male Line of *our Kings*, the destruction of the very Families of the greatest part of the Nobility; besides, the great change that fell on the minds of men, the Nation was grown barbarous, and the many inhumane cruelties and injustices that daily occurred, may strike horreur into any man of Honour, Piety, or Honesty to thinke on such a condition, which these Voters have in a great measure now introduced.

And for conclusion, they agree to the former Votes, and think that it is a double testimony, as the Statute of 11 *Richard the 2.* and, *Henry the 4.* and having served themselves of ridiculous complaints of the KING's intentions, rumours of jealousies and feares to begin this Warre upon Him, continue the same shamelesse exclamations, when they have Imprisoned and Dethroned Him; and they may as well be believed, if they Vote that the KING is not in Prison, and that they have made no War against Him, as in Voting a Warre against them to deliver the KING, is a Warre against the Parliament. If they had made conscience of Treason, these Votes had never been, nor this Warre. But they have gotten Force, and that's their Law; however it's to be hoped, that their Kingdome gotten by falshood, and exercised by tyranny will end suddenly, and then they will be as odious to themselves, as they have been insolent over others; and as they have *Cain's* curse, will wish for his marke, lest every one that meets them should prove their Executioner.

